

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JERRY A. BLADES,
HARVEY G. KIEL, and
RAYMOND F. ROMON

Appeal No. 97-1657
Application No. 08/216,735¹

ON BRIEF

Before THOMAS, CARMICHAEL, and BARRY, Administrative Patent Judges.

BARRY, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from a patent examiner's final rejection of claims 1 through 20, which are all the claims in the application. An amendment

¹ Application for patent filed March 22, 1994.

was filed after the final rejection on June 20, 1996 but denied entry by the examiner.²

We reverse.

BACKGROUND

The appellants' invention permits a user to manipulate a graphical object displayed within a graphical user interface (GUI). The invention automatically alters values of a plurality of variables, as well as altering the display of the object, in response to the user selecting and changing the value of another variable.

More specifically, a plurality of interrelated variables define a graphical object, e.g., a bar. A data structure includes a value for at least one of the variables. When a user selects the graphical object, the GUI displays an editing window. The user can change a value of one of the variables

² The examiner indicated that the portion of the amendment correcting an informality in claim 16 should have been entered. We assume this portion will be entered at a later date.

via the editing window. When the user does so, the invention automatically modifies the value of at least one of the other variables. The invention further modifies the display of the object responsive to the user's changing the value of the other variable.

Claim 1, which is representative of the invention,
follows:

1. A method in a data processing system for efficiently manipulating a graphic object displayed within a graphic user interface in said data processing system, said graphic object being defined by a plurality of interrelated variables, said method comprising:

displaying an editing object within said graphic user interface in response to a selection of said graphic object by a user;

permitting said user to alter a value for one of said plurality of interrelated variables utilizing said editing object;

automatically altering a value for at least one other variable in response to said user altering said value for one of said plurality of interrelated variables utilizing said editing object; and

automatically altering a display of said graphic object in response to an alteration of said value for said at least one other variable, wherein said graphic object is efficiently manipulated.

The prior art references of record relied upon by the examiner in rejecting the appealed claims follow:

Hogan et al. (Hogan)	5,414,809	May 9, 1995 (filed Apr. 30, 1993)
Gay et al. (Gay)	5,437,008	Jul. 25, 1995 (filed Jun. 23, 1992).

Claims 1-20 stand rejected under 35 U.S.C. § 103 as unpatentable over Hogan in view of Gay. Rather than repeat the arguments of the appellants or examiner in toto, we refer to the appeal brief and the examiner's answer³ for the respective details thereof.

OPINION

In reaching our decision in this appeal, we have considered the subject matter on appeal, the rejection advanced by the examiner, and the evidence relied on by the

³ The examiner's answer incorporates the rejection set forth in the final Office action of April 15, 1996 (Final Rejection).

examiner to support the rejection. We have also considered the appellants' arguments contained in the brief along with the examiner's arguments in rebuttal contained in the answer. After considering the record before us, it is our view that the collective evidence replied on and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the invention in claims 1-20. Accordingly, we reverse.

Grouping of the claims

The appellants state that for the appeal the claims should be considered as a single group. (Appeal Br. at 4.) Consistent with this statement, the appellants do not argue separately

the patentability of the claims within the rejection. Accordingly, all claims within the rejection stand or fall together. We will, therefore, consider the rejection of claim 1 as representative of all the claims on appeal. See 37 C.F.R. § 1.192(c)(7); Manual of Patent Examining Procedure § 1206; In re King, 801 F.2d 1324, 1325, 231 USPQ 136, 137

(Fed. Cir. 1986); In re Sernaker, 702 F.2d 989, 991, 217 USPQ 1, 3 (Fed. Cir. 1983).

Obviousness of the claims

In rejecting claims under 35 U.S.C. § 103, the patent examiner bears the initial burden of establishing a prima facie case of obviousness. A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person having ordinary skill in the art. If the examiner fails to establish a prima facie case, an obviousness rejection is improper and will be overturned. In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). With this in mind, we analyze the examiner's rejection of the appealed claims.

Regarding claim 1, the examiner observes that Hogan teaches "displaying an editing object," "permitting said user to alter a value," and "automatically altering a display." (Final Rejection at 2.) This observation is not disputed by the appellants. (Appeal Br. at 5.) The examiner recognizes

that Hogan does not teach the claimed step of automatically altering a value for at least one other variable in response to the aforementioned altering of the value. (Final Rejection at 2.)

The examiner notes that Gay discloses establishing numerical relationships between graphical objects, such that the size of one object affects or controls the size of the other. (Id. at 3 (citing Gay, col. 6, ll. 33-37 and 46-54).) Based on Hogan's teaching of ensuring consistency between data in a local store and in a database system, col. 5, ll. 8-21, the examiner opines that it would have been obvious to alter automatically a value for at least one other variable in response to the aforementioned altering of the value to "ensure[] that interrelated elements maintain their independent relationships." (Final Rejection at 3, 5.)

Obviousness cannot be established by combining teachings of the prior art to produce a claimed invention absent some

teaching, suggestion, or incentive supporting the combination.

In re Geiger, 815 F.2d 686, 688, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987). The question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. In re Rouffett, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998); In re Beattie, 974 F.2d 1309, 1311-12, 24 USPQ2d 1040, 1042 (Fed. Cir. 1992).

The Examiner did not identify a proper teaching, suggestion, or incentive supporting the combination of Gay with Hogan. We agree with the appellants that Hogan's teaching of ensuring consistency between the data in its local store and in its database system would not have suggested the desirability, and thus the obviousness, of combining Gay with Hogan to obtain the claimed invention.

The computer system of the Hogan reference implements a graphics interface 10. A graphics engine 12 generates a display, i.e., graph, that depicts data delivered from remote database 11. The display comprises graphical objects, each representing a datum. A local data store 14 stores data that

is the subject of the current display generated by graphics engine 12. A user may change the data by entering new data in textual form or by manipulating the associated graphical object via a mouse 26. Col. 3, ll. 44-59; figs. 1-2.

Hogan recognizes the problem of ensuring consistency between the data in the local store and the data in the remote database. The reference implements a "message exchange protocol" to solve the problem. Col. 5, ll. 8-11. If a user changes displayed data, link manager 13 sends a message to the database system. The message includes the updated data so that the database system can update its copy of the data. Similarly, if during presentation of a graph, the user changes data using the database's input means, the link manager sends a message containing the new data to local data store for update. Id. at ll. 13-21. Because Hogan already solves the problem of consistency, it would not have suggested the addition of Gay to solve the same problem.

We disagree with the examiner's position that Hogan's message exchange protocol suggests the claimed interrelated

variables. (Final Rejection at 3.) As aforementioned, the reference's local store and remote database contain the same data. This differs from the interrelated variables that define a graphic object as specified in claim 1. Rather than being copies of the same variable, the claimed variables are distinct and can contain different data. (Appeal Br. at 10.) As such, the message exchange protocol would not have suggested the combination of Gay with Hogan.

For the foregoing reasons, the examiner failed to identify a proper teaching, suggestion, or incentive supporting the combination of Gay with Hogan. Therefore, this statement of the examiner's rejection does not amount to a prima facie case of obviousness. Because the examiner has not established a prima facie case, the rejection of claims 1-20 over Hogan and Gay is improper and is reversed.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1-20 under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JAMES T. CARMICHAEL)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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LANCE LEONARD BARRY)	
Administrative Patent Judge)	

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ANDREW J. DILLON
FELSMAN, BRADLEY, GUNTER & DILLON, LLP
SUITE 350, LAKEWOOD ON THE PARK
7600B NORTH CAPITAL OF TEXAS HIGHWAY
AUSTIN, TX 78731